

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GARY GRYZWA

Plaintiff,

v.

ALLIANCE MECHANICAL, INC.;  
MARK W. VERNON.

Defendants.

CASE NO. 2:11-cv-00030-RCJ-(RJJ)

**ORDER ON MOTION  
TO VACATE DEFAULT**

WHEREAS, Defendants moved to lift the default entered by the Clerk of the Court subsequent to Plaintiff having filed a motion for default judgment;

AND WHEREAS this motion having come on for hearing on August 4, 2011, with Plaintiff represented by McCracken Stemerman & Holsberry by Andrew Kahn, and Defendants represented by Michael Gebhart;

AND WHEREAS the Court having made the determination reflected on the record of such hearing;

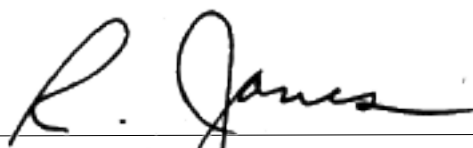
IT IS HEREBY ORDERED that the default is lifted. Defendants are ordered to pay Plaintiff and his counsel attorneys' fees of \$5,000 due to Defendants' failure to answer the complaint in a timely fashion and move promptly to lift the default entered. Such order shall be without prejudice to Plaintiff's counsel filing a motion for any additional fees and expenses they can show to have been incurred in their moving for default judgment and shall be without prejudice to Defendants' counsel filing a motion for reconsideration on the award of attorneys' fees. Defendants' answer shall be filed within seven (7) days of this order.

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<sup>1</sup>This proposed order was prepared by Plaintiff's counsel and circulated to Defendants' counsel as ordered by the Court. It incorporates the revisions proposed by Defendants' counsel.

IT IS SO ORDERED.

Dated: 08-23-2011

  
JUDGE, U.S. DISTRICT COURT